

1 Rule 47. Jurors.

2 (a) Examination of jurors. The court may permit the parties or their attorneys to conduct the
3 examination of prospective jurors or may itself conduct the examination. In the latter event, the
4 court shall permit the parties or their attorneys to supplement the examination by such further
5 inquiry as is material and proper or shall itself submit to the prospective jurors such additional
6 questions of the parties or their attorneys as is material and proper. Prior to examining the jurors,
7 the court may make a preliminary statement of the case. The court may permit the parties or their
8 attorneys to make a preliminary statement of the case, and notify the parties in advance of trial.

9 (b) Alternate jurors. The court may direct that alternate jurors be impaneled. Alternate jurors,
10 in the order in which they are called, shall replace jurors who, prior to the time the jury retires to
11 consider its verdict, become unable or disqualified to perform their duties. Alternate jurors shall
12 be selected at the same time and in the same manner, shall have the same qualifications, shall be
13 subject to the same examination and challenges, shall take the same oath, and shall have the
14 same functions, powers, and privileges as principal jurors. An alternate juror who does not
15 replace a principal juror shall be discharged when the jury retires to consider its verdict unless
16 the parties stipulate otherwise and the court approves the stipulation. The court may withhold
17 from the jurors the identity of the alternate jurors until the jurors begin deliberations. ~~If one or~~
18 ~~two alternate jurors are called, each party is entitled to one peremptory challenge in addition to~~
19 ~~those otherwise allowed.~~

20 (c) Challenge defined; by whom made. A challenge is an objection made to the trial jurors
21 and may be directed (1) to the panel or (2) to an individual juror. ~~Either party may challenge the~~
22 ~~jurors, but where there are several parties on either side, they must join in a challenge before it~~
23 ~~can be made.~~

24 (d) Challenge to panel; time and manner of taking; proceedings. A challenge to the panel can
25 be founded only on a material departure from the forms prescribed in respect to the drawing and
26 return of the jury, or on the intentional omission of the proper officer to summon one or more of
27 the jurors drawn. It must be taken before a juror is sworn. It must be in writing or be stated on
28 the record, and must specifically set forth the facts constituting the ground of challenge. If the
29 challenge is allowed, the court must discharge the jury so far as the trial in question is concerned.

30 (e) Challenges to individual jurors; number of peremptory challenges. The challenges to
31 individual jurors are either peremptory or for cause. Each party shall be entitled to three

peremptory challenges, except as provided under Subdivisions (b) and (c) of this rule. Several defendants or several plaintiffs shall be considered as a single party for the purposes of making peremptory challenges unless there is a substantial controversy between them, in which case the court shall allow as many additional peremptory challenges as is just. If one or two alternate jurors are called, each party is entitled to one peremptory challenge in addition to those otherwise allowed.

(f) Challenges for cause. A challenge for cause is an objection to a particular juror and shall be heard and determined by the court. The juror challenged and any other person may be examined as a witness on the hearing of such challenge. A challenge for cause may be taken on one or more of the following grounds. On its own motion the court may remove a juror upon the same grounds.

(f)(1) A want of any of the qualifications prescribed by law to render a person competent as a juror.

(f)(2) Consanguinity or affinity within the fourth degree to either party, or to an officer of a corporation that is a party.

(f)(3) Standing in the relation of debtor and creditor, guardian and ward, master and servant, employer and employee or principal and agent, to either party, or united in business with either party, or being on any bond or obligation for either party; provided, that the relationship of debtor and creditor shall be deemed not to exist between a municipality and a resident thereof indebted to such municipality by reason of a tax, license fee, or service charge for water, power, light or other services rendered to such resident.

(f)(4) Having served as a juror, or having been a witness, on a previous trial between the same parties for the same cause of action, or being then a witness therein.

(f)(5) Pecuniary interest on the part of the juror in the result of the action, or in the main question involved in the action, except interest as a member or citizen of a municipal corporation.

(f)(6) Conduct, responses, state of mind or other circumstances that reasonably lead the court to conclude the juror is not likely to act impartially. No person may serve as a juror, if challenged, unless the judge is convinced the juror can and will act impartially and fairly.

61 (g) Selection of jury. The judge shall determine the method of selecting the jury and notify
62 the parties at a pretrial conference or otherwise prior to trial. The following methods for selection
63 are not exclusive.

64 (g)(1) Strike and replace method. The court shall summon the number of jurors that are to try
65 the cause plus such an additional number as will allow for any alternates, for all peremptory
66 challenges permitted, and for all challenges for cause that may be granted. At the direction of the
67 judge, the clerk shall call jurors in random order. The judge may hear and determine challenges
68 for cause during the course of questioning or at the end thereof. The judge may and, at the
69 request of any party, shall hear and determine challenges for cause outside the hearing of the
70 jurors. After each challenge for cause sustained, another juror shall be called to fill the vacancy ,
71 and any such new juror may be challenged for cause. When the challenges for cause are
72 completed, the clerk shall provide a list of the jurors remaining, and each side, beginning with
73 the plaintiff, shall indicate thereon its peremptory challenge to one juror at a time in regular turn
74 until all peremptory challenges are exhausted or waived. The clerk shall then call the remaining
75 jurors, or so many of them as shall be necessary to constitute the jury, including any alternate
76 jurors, and the persons whose names are so called shall constitute the jury. If alternate jurors
77 have been selected, the last jurors called shall be the alternates, unless otherwise ordered by the
78 court prior to voir dire.

79 (g)(2) Struck method. The court shall summon the number of jurors that are to try the cause
80 plus such an additional number as will allow for any alternates, for all peremptory challenges
81 permitted and for all challenges for cause that may be granted. At the direction of the judge, the
82 clerk shall call jurors in random order. The judge may hear and determine challenges for cause
83 during the course of questioning or at the end thereof. The judge may and, at the request of any
84 party, shall hear and determine challenges for cause outside the hearing of the jurors. When the
85 challenges for cause are completed, the clerk shall provide a list of the jurors remaining, and
86 each side, beginning with the plaintiff, shall indicate thereon its peremptory challenge to one
87 juror at a time in regular turn until all peremptory challenges are exhausted or waived. The clerk
88 shall then call the remaining jurors, or so many of them as shall be necessary to constitute the
89 jury, including any alternate jurors, and the persons whose names are so called shall constitute
90 the jury. If alternate jurors have been selected, the last jurors called shall be the alternates, unless
91 otherwise ordered by the court prior to voir dire.

92 (g)(3) In courts using lists of prospective jurors generated in random order by computer, the
93 clerk may call the jurors in that random order.

94 (h) Oath of jury. As soon as the jury is selected an oath must be administered to the jurors, in
95 substance, that they and each of them will well and truly try the matter in issue between the
96 parties, and render a true verdict according to the evidence and the instructions of the court.

97 (i) Proceedings when juror discharged. If, after impaneling the jury and before verdict, a
98 juror becomes unable or disqualified to perform the duties of a juror and there is no alternate
99 juror, the parties may agree to proceed with the other jurors, or to swear a new juror and
100 commence the trial anew. If the parties do not so agree the court shall discharge the jury and the
101 case shall be tried with a new jury.

102 (j) Questions by jurors. A judge may invite jurors to submit written questions to a witness as
103 provided in this section.

104 (j)(1) If the judge permits jurors to submit questions, the judge shall control the process to
105 ensure the jury maintains its role as the impartial finder of fact and does not become an
106 investigative body. The judge may disallow any question from a juror and may discontinue
107 questions from jurors at any time.

108 (j)(2) If the judge permits jurors to submit questions, the judge should advise the jurors that
109 they may write the question as it occurs to them and submit the question to the bailiff for
110 transmittal to the judge. The judge should advise the jurors that some questions might not be
111 allowed.

112 (j)(3) The judge shall review the question with counsel and unrepresented parties and rule
113 upon any objection to the question. The judge may disallow a question even though no objection
114 is made. The judge shall preserve the written question in the court file. If the question is allowed,
115 the judge shall ask the question or permit counsel or an unrepresented party to ask it. The
116 question may be rephrased into proper form. The judge shall allow counsel and unrepresented
117 parties to examine the witness after the juror's question.

118 (k) View by jury. When in the opinion of the court it is proper for the jury to have a view of
119 the property which is the subject of litigation, or of the place in which any material fact occurred,
120 it may order them to be conducted in a body under the charge of an officer to the place, which
121 shall be shown to them by some person appointed by the court for that purpose. While the jury

are thus absent no person other than the person so appointed shall speak to them on any subject connected with the trial.

(l) Communication with jurors. There shall be no off-the-record communication between jurors and lawyers, parties, witnesses or persons acting on their behalf. Jurors shall not communicate with any person regarding a subject of the trial. Jurors may communicate with court personnel and among themselves about topics other than a subject of the trial. It is the duty of jurors not to form or express an opinion regarding a subject of the trial except during deliberation. The judge shall so admonish the jury at the beginning of trial and remind them as appropriate.

(m) Deliberation of jury. When the case is finally submitted to the jury they may decide in court or retire for deliberation. If they retire they must be kept together in some convenient place under charge of an officer until they agree upon a verdict or are discharged, unless otherwise ordered by the court. Unless by order of the court, the officer having charge of them must not make or allow to be made any communication to them with respect to the action, except to ask them if they have agreed upon their verdict, and the officer must not, before the verdict is rendered, communicate to any person the state of deliberations or the verdict agreed upon.

(n) Exhibits taken by jury; notes. Upon retiring for deliberation the jury may take with them the instructions of the court and all exhibits which have been received as evidence in the cause, except exhibits that should not, in the opinion of the court, be in the possession of the jury, such as exhibits of unusual size, weapons or contraband. The court shall permit the jury to view exhibits upon request. Jurors are entitled to take notes during the trial and to have those notes with them during deliberations. As necessary, the court shall provide jurors with writing materials and instruct the jury on taking and using notes.

(o) Additional instructions of jury. After the jury have retired for deliberation, if there is a disagreement among them as to any part of the testimony, or if they desire to be informed on any point of law arising in the cause, they may require the officer to conduct them into court. Upon their being brought into court the information required must be given in the presence of, or after notice to, the parties or counsel. Such information must be given in writing or stated on the record.

(p) New trial when no verdict given. If a jury is discharged or prevented from giving a verdict for any reason, the action shall be tried anew.

153 (q) Court deemed in session pending verdict; verdict may be sealed. While the jury is absent
154 the court may be adjourned from time to time in respect to other business, but it shall be open for
155 every purpose connected with the cause submitted to the jury, until a verdict is rendered or the
156 jury discharged. The court may direct the jury to bring in a sealed verdict at the opening of the
157 court, in case of an agreement during a recess or adjournment for the day.

158 (r) Declaration of verdict. When the jury or three-fourths of them, or such other number as
159 may have been agreed upon by the parties pursuant to Rule 48, have agreed upon a verdict they
160 must be conducted into court, their names called by the clerk, and the verdict rendered by their
161 foreperson; the verdict must be in writing, signed by the foreperson, and must be read by the
162 clerk to the jury, and the inquiry made whether it is their verdict. Either party may require the
163 jury to be polled, which shall be done by the court or clerk asking each juror if it is the juror's
164 verdict. If, upon such inquiry or polling there is an insufficient number of jurors agreeing
165 therewith, the jury must be sent out again; otherwise the verdict is complete and the jury shall be
166 discharged from the cause.

167 (s) Correction of verdict. If the verdict rendered is informal or insufficient, it may be
168 corrected by the jury under the advice of the court, or the jury may be sent out again.

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